

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Route Permit  
Application by Great River Energy  
and Xcel Energy for a 345 kV  
Transmission Line from Brookings  
County, South Dakota to Hampton,  
Minnesota.

**SECOND PREHEARING ORDER**

A telephone conference was held before Richard C. Luis, Administrative Law Judge, on September 1, 2009, for the purpose of discussing scheduling and locations for hearings.

Appearances:

Lisa M. Agrimonti and Valerie Herring, Attorneys at Law, Briggs and Morgan, P.A., 80 South Eighth Street, 2200 IDS Center, Minneapolis, MN 55402, on behalf of the Applicants.

Karen Finstad Hammel, Assistant Attorney General, 445 Minnesota Street, Suite 1500, St. Paul, MN 55101, on behalf of the Office of Energy Security (OES) of the Minnesota Department of Commerce (Department).

Paula Maccabee, Attorney at Law, 1961 Selby Avenue, St. Paul, MN 55104, on behalf of Robert and Patricia Johnson (the Johnsons).

Carol Overland, Attorney at Law, Overland Law Office, P.O. Box 176, Red Wing, MN 55066, on behalf of No CapX 2020 and U-CAN.

Phillip R. Krass, Attorney at Law, Krass, Monroe, 8000 Norman Center Drive, Suite 1000, Minneapolis, Minnesota 55437, appeared as a Non-Party Participant.

Bob Cupit appeared on behalf of the Commission Staff.

Discussion was held among the participants concerning the proposed schedule and other matters. At the invitation of the Administrative Law Judge, some of the parties provided comments on the scheduling proposals and other issues by the deadline provided of September 4, 2009. Based on those

discussions and the filings in this matter, the Administrative Law Judge makes the following Prehearing Order.

IT IS HEREBY ORDERED:

**Schedule**

1. The schedule in this matter is amended as follows:

Applicants' Direct Testimony Filed	October 13, 2009
Draft EIS Available	October 20, 2009
Intervention Deadline	October 26, 2009
Intervenors' Direct Testimony and OES Comments	November 9, 2009
Draft EIS Public Meetings	November 10 – November 16, 2009
All Parties' Rebuttal and OES Comments	November 20, 2009
Draft EIS Comment Period Deadline	November 30, 2009
Public/Evidentiary Hearings in Project Area (specific dates and general locations below)	November 30, - December 11, 2009
Evidentiary Hearing (Saint Paul)	December 15-18, 2009
Final EIS Available	January 8, 2010
Public Comment Deadline	January 15, 2010 (Tentative deadline)
Initial Briefs/OES Comments	January 22, 2010 (Tentative deadline)
Reply Briefs/OES Comments	TBD
ALJ Report	TBD

Exceptions	TBD
Argument before the Commission	TBD
Commission Order	TBD

### Hearing Locations

2. The dates and approximate location of the public/evidentiary hearings are as follows:

Hearing Location	Date and Time
Granite Falls	November 30, 2009 2:00 p.m. and 7:00 p.m.
Marshall	December 1, 2009 1:00 p.m. and 7:00 p.m.
Redwood Falls	December 2, 2009 1:00 p.m. and 7:00 p.m.
Gaylord	December 3, 2009 1:00 p.m. and 7:00 p.m.
Henderson	December 7, 2009 1:00 p.m. and 7:00 p.m.
New Prague	December 8, 2009 1:00 p.m. and 7:00 p.m. December 9, 2009 1:00 p.m. and 7:00 p.m.
Lakeville	December 10, 2009 1:00 p.m. and 7:00 p.m. December 11, 2009 9:30 a.m.
Evidentiary Hearing (Saint Paul)	December 15-18, 2009

3. The locations identified above are subject to the availability of suitable meeting places that are large enough to accommodate the anticipated attendance. The specific locations will be arranged jointly by the Applicants and OES. The Administrative Law Judge and Commission staff will be informed of the locations and provided with a draft of the public notice to be published, prior to publication of that notice.

### **Presence of Witnesses at the Public/Evidentiary Hearings**

4. The Applicant shall have witnesses available at all of the public/evidentiary hearings in this matter who are capable of addressing questions raised by interested persons. Any other party who is presenting witnesses that have prefiled testimony shall either have those witnesses present or request an exemption under Minn. Rule 1405.2000. The Applicant may also request an exemption for particular witnesses, but a knowledgeable person must be available at the hearing to respond to questions where the particular witness is exempted from attending.

5. The deadline for requesting an exemption is dependent on the publication date for the notice of the hearings in this matter. To assist in meeting the rule provisions, parties shall request an exemption as soon as the need is known. The standard for granting an exemption is good cause shown. The Administrative Law Judge considers testimony that addresses only a limited portion of the proposed route to be good cause for exempting that witness from attending distant hearings. Whether any specific witness is exempted is subject to the process, including the right of other parties to object, set out in Minn. Rule 1405.2000.

### **Public Comment**

6. The comments provided at the public hearings in this matter will be included in the record of these proceedings. In addition to comments provided in person, written public comments that are filed with the Administrative Law Judge on or before **4:30 p.m. on January 15, 2010**, will be included. Comments may be filed by U.S. Mail, fax, or e-mail to [capx.oah@state.mn.us](mailto:capx.oah@state.mn.us).

### **Modification of Order**

7. The terms of this Order may be modified, for good cause shown, on motion of any party or at the discretion of the Administrative Law Judge.

Dated this 11<sup>th</sup> day of September, 2009.

/s/ Richard C. Luis  
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RICHARD C. LUIS

## Administrative Law Judge